# 01128

1972/12/01

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~~TOP SECRET~~/SENSITIVE
EXCLUSIVELY EYES ONLY

DRAFT MEMO FROM THE PRESIDENT

12/1/72

MEMORANDUM FOR: HENRY A. KISSINGER

SUBJECT: Your Instructions for the December 4 Negotiating Round

Following are your instructions for the final negotiations in Paris beginning December 4, 1972. The general framework remains as it has always been: we seek the best possible agreement; we will not sign it until we are convinced it is sound; and we will not delay signing it in any way once we are convinced it is sound. The agreement as it now stands is close to being acceptable, but we must have a few more changes before we can approve it and recommend it to our allies.

It must be made absolutely clear to the North Vietnamese negotiators that the concerns of both sides must be met. Just as they claim their principles, so do we have principles which we must and will respect. We have an obligation to continue presenting as forcefully as possible the concerns of our allies as well as our own views on what is required to make the agreement as satisfactory as possible. Accordingly, if the North Vietnamese are intransigent across the board, I will be prepared to authorize you to suspend the negotiations. If on the other hand, the North Vietnamese make a reciprocal effort and agree to the minimal changes

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DECLASSIFIED
E.O. 12356, Sect. 3.4
NSC 8/25/93 F93-0118
By NARA, Date 9/14/9
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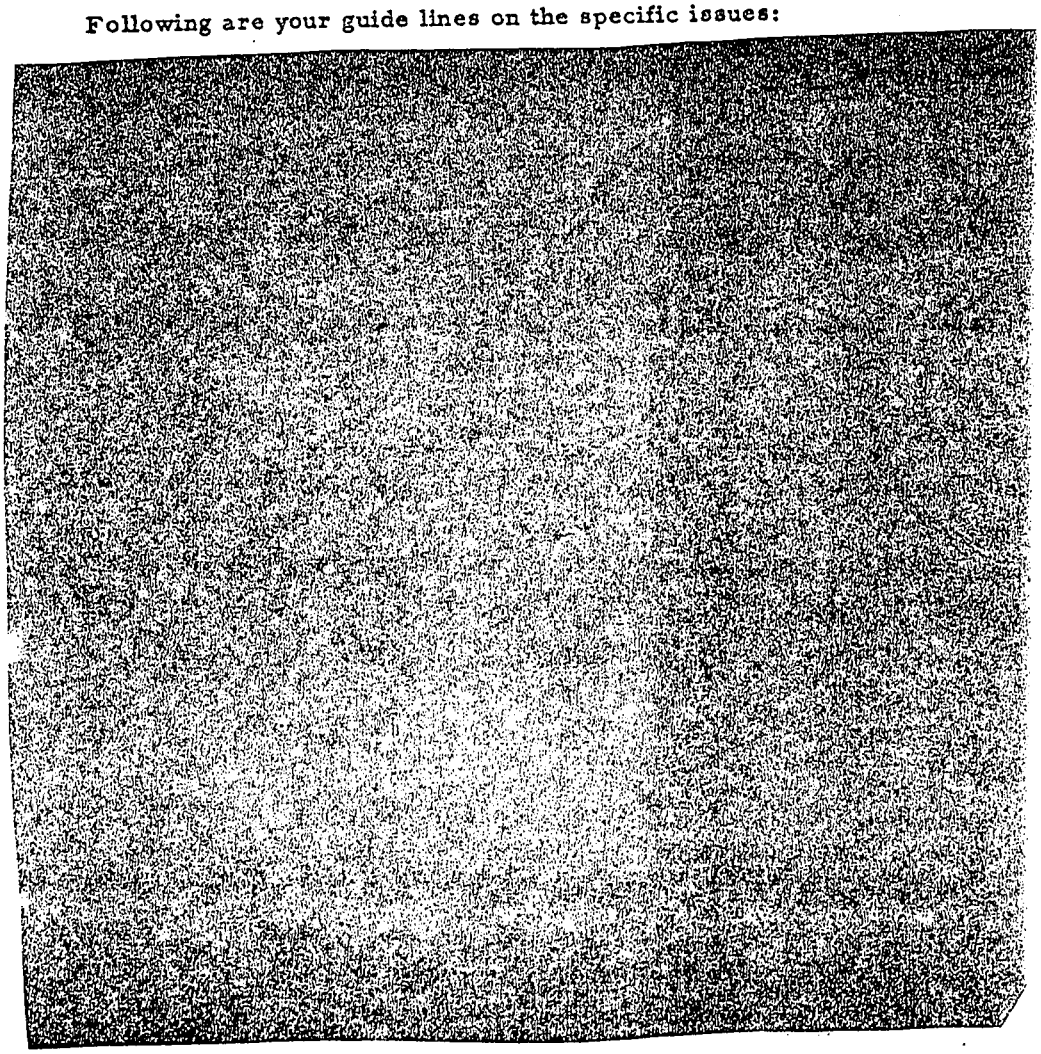
that we require, I will be prepared to authorize you to consider the agreement complete, with the assurance that there will be no further changes requested, except possible nonsubstantive technical aspects.

Following are your guide lines on the specific issues:



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[redacted]

-- South Vietnamese Civilian Prisoners. We cannot accept the North Vietnamese demand that we delete Article 8(c) which separates the question of South Vietnamese civilian prisoners from the release of our own POW's and civilians.

[redacted]

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You are authorized to use the above elements in the fashion you deem most advantageous to effect the minimum changes we need. In addition, you should hand over those unilateral statements that you believe will further improve the context of the agreement. You should also reiterate our view that the protocols on the ICCS, and the Four-Party and Two-Party Joint Military Commissions, should be signed at the same time as the overall agreement.

Once we have achieved a satisfactory final agreement, you are authorized to work out with the North Vietnamese a fixed timetable leading toward signature of the agreement within ten days to two weeks after the conclusion of your negotiations in Paris.